

## DECLARATION AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Gene Encoding NADE,  $P75^{\mbox{NTR}}-\mbox{Associated Cell Death Executor}$  and Uses Thereof

the specification of (check one)	which:			
	X is alloc	thed hereio.		
•	was file	ed on December 7, 200	1	as
	Application Ser	ial No		
	and was amend	ed December 7, 2001		<del></del> •
			(if app	olicable)
Including the claims  I acknowledge the dut to be material to part  I hereby claim foreign	. as amended by any  ty 10 disclose 10 the tentability as defined  a priority benefits und  an application(s) for	undersiand the contents of amendment referred to about. S. Patent and Trademark (in Title 37, Code of Federal Patent of Title 35, United States Copatent or inventor's certific	ve. Office all inform I Regulations, S ode, Section 119 cale, or Section	ation known to t ection 1.56. (a)-(d) or Secti 365(a) of any P(
Including the claims  I acknowledge the dut to be material to part  I hereby claim foreign 365(b) of any foreign International Applications  I have also is	as amended by any ty to disclose to the lentability as defined in priority benefits under application(s) for ation which designation having a filing a	amendment referred to abo U.S. Patent and Trademark ( in Title 37, Code of Federa	ve. Office all inform I Regulations, So ode, Section 119 case, or Section ther than the Un nt or inventor's est application fi	ation known to t ection 1.56. (a)-(d) or Secti 365(a) of any P( nited States, list certificate, or P(
including the claims  I acknowledge the dut to be material to part  I hereby claim foreign 365(b) of any foreign International Application International Application is claimed:	as amended by any ty to disclose to the lentability as defined in priority benefits under application(s) for ation which designation having a filing a	amendment referred to about the same of the same of the same of Federal states of Federal states of the same of th	ve. Office all inform I Regulations, So ode, Section 119 case, or Section ther than the Un nt or inventor's est application fi	ation known to t ection 1.56. (a)-(d) or Secti 365(a) of any P( nited States, list certificate, or P( rom which prior
I acknowledge the due to be material to part I hereby claim foreign 365(b) of any foreign International Application I have also is International Application is claimed:  Prior Foreign Application Number	as omended by any ty to disclose to the lentability as defined priority benefits under application(s) for ation which designate the light and filing a filing a ation(s)	amendment referred to about Some and Trademark of in Title 37. Code of Federal or Title 35. United States Compatent or inventor's certificated at least one country of foreign application for patedate before that of the earliest	ve.  Office all inform I Regulations, So  ode, Section 119  cate, or Section ther than the Ut  nt or inventor's est application fi	ation known to t ection 1.56. (a)-(d) or Secti 365(a) of any P( nited States, list certificate, or P( rom which prior
I acknowledge the due to be material to part I hereby claim foreign 365(b) of any foreign International Application I have also is International Application is claimed:  Prior Foreign Application Number	as amended by any ty to disclose to the lentability as defined in priority benefits under application(s) for ation which designate the lifted below any fitting a ation(s)	amendment referred to about 1.S. Patent and Trademark (in Title 37. Code of Federal er Title 35. United States Control of the country of the country of the country of the earlies of the earlies of the earlies of the fore that of the earlies of th	ve.  Office all inform I Regulations, So ode, Section 119 tale, or Section ther than the Ut nt or inventor's est application fi  Priorit  Yes	ation known to t ection 1.56. (a)-(d) or Secti 365(a) of any P( nited States, list certificate, or P( rom which prior
Including the claims I acknowledge the dut to be material to par I hereby claim foreign 365(b) of any foreig International Applicate below. I have also it International Applicate is claimed:  Prior Foreign Application	as amended by any ty to disclose to the lentability as defined in priority benefits under application(s) for ation which designate the lifted below any fitting a ation(s)	amendment referred to about 1.S. Patent and Trademark (in Title 37. Code of Federal er Title 35. United States Control of the country of the country of the country of the earlies of the earlies of the earlies of the fore that of the earlies of th	ve.  Office all inform I Regulations, So ode, Section 119 tale, or Section ther than the Ut nt or inventor's est application fi  Priorit  Yes	ation known to t ection 1.56. (a)-(d) or Secti 365(a) of any P( nited States, list certificate, or P( rom which prior

Declaration	ond	Power	oj	Allomey
-------------	-----	-------	----	---------

I hereby claim the benefit under Title 35. United States Code. Section 119(e) of any United States provisional application(s) listed below:

Provisional Application No.	Filing Date	<u>Sionit</u>
n/A	•	

I hereby claim the benefit under Title 35. United States Code, Section 120 of any United States Application(s). or Section 365(c) of any PCT International Application(s) designating the United States listed below. Insofar as this application discloses and claims subject matter in addition to that disclosed in any such prior Application in the manner provided by the first paragraph of Title 35. United States Code, Section 112. I ocknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations. Section 1.36. which become available between the filing date(s) of such prior Application(s) and the national or PCT international filing date of this application:

Serial No.	Filing Date	Siona .
<u>09/327,750</u>	June 7, 1999	pending
PCT/US00/15621	June 7, 2000	

## And I hereby oppoint

John P. White (Reg. No. 28,678); Christopher C. Dunham (Reg. No. 22,031); Norman H. Zivin (Reg. No. 25,385); Jay H. Maioli (Reg. No. 27,213); William E. Pelton (Reg. No. 25,702); Robert D. Katz (Reg. No. 30,141); Peter J. Philips (Reg. No. 29,691); Wendy E. Miller (Reg. No. 35,615); Richard S. Milner (Reg. No. 33,970); Roberto T. Maldonado (Reg. No. 38,232); Paul Teng (Reg. No. 40,837); Richard F. Jaworski (Reg. No 33,515); Pedro C. Fernandez (Reg. No. 41,741); Gary J. Gershik (Reg. No. 39,992); Spencer H. Schneider (Reg. No. 45,923); Alan J. Morrison (Reg. No. 37,399); Alan D. Miller (Reg. No. 42,889); and Frank Bruno (Reg. No. 46,583)

and each of them. all c/o Cooper & Dunham LLP. 1183 Avenue of the Americas, New York, New York 10036, my allorneys, each with full power of substitution and revocation, to prosecute this application. to make olierations and amendments therein, to receive the patent, to transact all business in the Patent. and Trademark Office connected therewith and to file any International Applications which are based thereon under the provisions of the Potent Cooperation Treaty.

Declaration	and	Power	of	Allorney
-------------	-----	-------	----	----------

John P. White

Please address all communications, an	nd direct all telephone	calls, regarding this	application to:
---------------------------------------	-------------------------	-----------------------	-----------------

28,678

Cooper & Dunham LLP 1185 Avenue of the Americas New York, New York 10036 Tel. (212) 278-0400

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true: and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such wiilful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole of first joint inventor	Taka-Aki Sato
	e
	Date of signature
Residence 1275	15th Street, Apt 8P, Fort Lee, New Jersey 07024, U.S.A
Posi Office Addres	same as residence address
<b>4.</b> 1. 2.	
Full name of joint inventor (if any)	
Inventor's signatur	·
	Date of signature
Residence	
Posi Office Address	•
Inventor's signature	
Cinzenship	Date of signature
Residence	
Posi Office Address	

Filed or Issued: Herewith
Title of Invention or Patent: GENE ENCODING NADE. p75 - ASSOCIATED CELL DEATH

EXECUTOR AND USES THEREOF

## VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS UNDER 37 C.F.R. §1.9(f) AND §1.27(d) - NONPROFIT ORGANIZATION

Address of Ormania Type of Organ	ZATION: SITY OR OTHER INST XEMPT UNDER INTERN	TUTION OF HIGH AL REVENUE STEEDUCATIONAL UNDER INTE LOCATED IN TOTAL CONTROL OF LOCATED IN TOTAL CONTROL OT LOCATED IN TOTAL CONTROL OF LOCATED IN TOTAL CONTROL OF LOCATE	HER EDUCAT ERVICE COD NDER STATU ERNAL REVEN	ION E 26 U.S.C. TE OF STATE  TUE SERVICE C STATES OF AM	ope 26 U.S.C.
TYPE OF ORGAN  VUNIVE TAX E 501(c NONPR STATE NAME CITAT WOULD § \$ 501 WOULD OF TH	ZATION:  SITY OR OTHER INST  XEMPT UNDER INTERN  (3)  FIT SCIENTIFIC OR  OF AMERICA  OF STATE:  QUALIFY AS TAX EXE  QUALIFY AS NONPROF  E UNITED STATES OF  OF STATE:	TUTION OF HIGH	HER EDUCAT ERVICE COD NDER STATU ERNAL REVEN THE UNITED	ION E 26 U.S.C. TE OF STATE  TUE SERVICE C STATES OF AM	9501(a) and OF THE UNITED ODE 26 U.S.C. ERICA
TYPE OF ORGAN  VUNIVE TAX E 501(c NONPR STATE NAME CITAT WOULD § \$ 501 WOULD OF TH	ZATION:  SITY OR OTHER INST  XEMPT UNDER INTERN  (3)  FIT SCIENTIFIC OR  OF AMERICA  OF STATE:  QUALIFY AS TAX EXE  QUALIFY AS NONPROF  E UNITED STATES OF  OF STATE:	TUTION OF HIGH	HER EDUCAT ERVICE COD NDER STATU ERNAL REVEN THE UNITED	ION E 26 U.S.C. TE OF STATE  TUE SERVICE C STATES OF AM	9501(a) and OF THE UNITED ODE 26 U.S.C. ERICA
V UNIVE TAX F 501(c NONPR STATE NAME CITAT WOULD § \$ 501 WOULD OF TH	SITY OR OTHER INST XEMPT UNDER INTERN (3) OF IT SCIENTIFIC OR OF AMERICA OF STATE: [ON OF STATUTE: QUALIFY AS TAX EXE (a) and 501(c)(3) I QUALIFY AS NONPROF E UNITED STATES OF OF STATE:	EDUCATIONAL U  OPT UNDER INTE F LOCATED IN 1 T SCIENTIFIC AMERICA IF LOCATED IN 1	NDER STATU	TE OF STATE  TUE SERVICE C STATES OF AM	OF THE UNITED  ODE 26 U.S.C. ERICA FATUTE OF STATE
V UNIVE TAX F 501(c NONPR STATE NAME CITAT WOULD § \$ 501 WOULD OF TH	SITY OR OTHER INST XEMPT UNDER INTERN (3) OF IT SCIENTIFIC OR OF AMERICA OF STATE: [ON OF STATUTE: QUALIFY AS TAX EXE (a) and 501(c)(3) I QUALIFY AS NONPROF E UNITED STATES OF OF STATE:	EDUCATIONAL U  OPT UNDER INTE F LOCATED IN 1 T SCIENTIFIC AMERICA IF LOCATED IN 1	NDER STATU	TE OF STATE  TUE SERVICE C STATES OF AM	OF THE UNITED  ODE 26 U.S.C. ERICA FATUTE OF STATE
TAX E 501(c NONPR STATE NAME CITAT WOULD § \$ 501 WOULD OF TH	XEMPT UNDER INTERM (3) OFIT SCIENTIFIC OR OF STATE: CON OF STATUTE: QUALIFY AS TAX EXE (a) and 501(c)(3) I QUALIFY AS NONPROF E UNITED STATES OF	EDUCATIONAL U  OPT UNDER INTE F LOCATED IN 1 T SCIENTIFIC AMERICA IF LOCATED IN 1	NDER STATU	TE OF STATE  TUE SERVICE C STATES OF AM	OF THE UNITED  ODE 26 U.S.C. ERICA FATUTE OF STATE
NONPR STATE NAME CITAT WOULD § \$ 501 WOULD OF TH	OFIT SCIENTIFIC OR OF OF AMERICA OF STATE: ON OF STATUTE: QUALIFY AS TAX EXE (a) and 501(c)(3) I QUALIFY AS NONPROF E UNITED STATES OF OF STATE:	IPT UNDER INTE LOCATED IN T T SCIENTIFIC AMERICA IF LOC	RNAL REVEN	TUE SERVICE C STATES OF AM	ODE 26 U.S.C. ERICA
STATE NAME CITAT WOULD § \$ 501 WOULD OF TH	OF AMERICA OF STATE: CON OF STATUTE: QUALIFY AS TAX EXE QUALIFY AS NONPROF E UNITED STATES OF OF STATE:	IPT UNDER INTE LOCATED IN T T SCIENTIFIC AMERICA IF LOC	RNAL REVEN	TUE SERVICE C STATES OF AM	ODE 26 U.S.C. ERICA
NAME CITAT WOULD § § 501 WOULD OF TH	OF STATE:  [ON OF STATUTE:  QUALIFY AS TAX EXE  (a) and 501(c)(3) I  QUALIFY AS NONPROF  E UNITED STATES OF  OF STATE:	F LOCATED IN T T SCIENTIFIC AMERICA IF LOC	THE UNITED	ONAL UNDER ST	ATUTE OF STATE
would §§501 would OF TH	QUALIFY AS TAX EXE (a) and 501(c)(3) I QUALIFY AS NONPROF E UNITED STATES OF OF STATE:	F LOCATED IN T T SCIENTIFIC AMERICA IF LOC	THE UNITED	ONAL UNDER ST	ATUTE OF STATE
§§501 WOULD OF TH	(a) and 501(c)(3) I QUALIFY AS NONPROF E UNITED STATES OF OF STATE:	F LOCATED IN T T SCIENTIFIC AMERICA IF LOC	THE UNITED	ONAL UNDER ST	ATUTE OF STATE
WOULD OF TH	QUALIFY AS NONPROF E UNITED STATES OF OF STATE:	T SCIENTIFIC MERICA IF LO	MP FINITALII	JUNET CHOEF 21	AIUIL OF SIME
OF TH	E UNITED STATES OF OF STATE:	MERICA IF LO	או או השייאי		
MAME			MIED IN IL	E ONLIED SIR	
				<del></del>	
nonprofit or reduced fees GENE ENC	are that the nonpranization as defined as defined as a de	ed in 37 C.F a) and 41(b), ASSOCIATED C	R. §1.9(e with regar	)* for purpod to the inve	oses of paying encion entitled USES THEREOF
Su inventor(	) Taka-Aki Sato				
described in					•
	ificaniam filod	horows th			
	pecification filed cation serial no.	1 1 1	ed		
pate	c no.	ıssuea			
I hereby dec	are that rights underofit organization	er contract o	r law have to the abov	been conveye e identified	
no rights to not qualify organization	s held by the nonproprogramization known the invention are has a small busines under 37 C.F.R. 1.	id by any per s concern und (e)*	son, other ier 37 C.F	than the inve .R. §1.9(d)*	entor, who could or a nonprofi
100001735100	rate verified state naving rights to C.F.R. §1.27.	ements are re the invention	equired from averring	om each pers to their s	on, co <b>ncern</b> , o cacus as smal
Name:					
Address:			<del></del>	:	

## 37 C.F.R. 551.9(d), 1.9(e)

- (d) A small business concern as used in this chapter means any business concern as defined by the Small Business Administration in 13 C.F.R. §121.3-18, published on September 30, 1982 at 47 FR 43273. For the convenience of the users of these regulations, that definition states:
- \$121.3-18 Definition of small business for paying reduced patent fees under Title 35, U.S. Code.
- (a) Pursuant to Pub. L. 97-247, a small business concern for purposes f paying reduced fees under 35 U.S. Code 41(a) and (b) to the Patent and Trademark Office means any business concern (1) whose number of employees, including those f its any business concern (1) whose number of employees, including those f its affiliates, does not exceed 500 persons and (2) which has not assigned, granted, conveyed, or licensed, and is under no obligation under contract or law t assign, conveyed, or license, any rights in the invention to any person who could not be grant, convey or license, any rights in the invention to any person who could not be concern which would not qualify as a small business concern or a nonprofit concern which would not qualify as a small business concern or a nonprofit organization under this section. For the purpose of this section concerns are affiliates of each other when either, directly or indirectly, one concern control is or affiliates of each other when either, directly or indirectly, one concern control has the power to control both. The number of employees of the business concern is the average power to control both. The number of employees of the business concern is the average over the fiscal year of the the persons employed during each of the pay periods of the fiscal year. Employees are those persons employed on a full-time, part-time or temporary basis during the previous fiscal year of the concern.
  - (b) If the Patent and Trademark Office determines that a concern is not eligible as a small business concern within this section, the concern shall have a right to appeal that determination to the Small Business Administration. The Patent and Trademark that determination to the Small Business Administration. The Patent and Trademark to the Small transmit its written decision and the pertinent size determination file to the Small in the event of such adverse determination and size appeal. Such appeals to the Small L Street, M., Washington, D.C. by concerns should be submitted to the Small 1441 L Street, M., Washington, D.C. 20416 (Attention: Small Office of General Counsel). The appeal should state the basis upon which it is claimed that the Patent and Trademark Office initial size determination on the concern was in error; and the facts and arguments supporting the concern's claimed status as a small business concern under this section.
  - (e) A nonprofit organization as used in this chapter means (1) a university or other institution of higher education located in any country; (2) an organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)(3)) and exampt from taxation under section 501(a) of the Internal Revenue Code (26 U.S.C. 501(a)); (3) any nonprofit scientific or educational organization (35 qualified under a nonprofit organization statute of a state of this country (35 U.S.C. 201(i); or (4) any nonprofit organization located in a foreign country which would qualify as a nonprofit organization under paragraphs (a)(2) or (3) f this section if it were located in this country.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee r any maintenance fee due after the date on which status as a small entity is no longer appropriate. 37 C.F.R. §1.28(b)\*.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. \$1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: Mr. Jack M. Granowitz  Executive Director, Columbia Innovation Enterprise	_
Title In Organization: Executive Director, Columbia Innovation Little In Organization: Amsterdam & 120th Street - Suite 363 New York, New York 10027	_
Address: Amsterdam & 120th Sees M. Amount	_
Signature:	
Date Of Signature:	

37 C.F.R. §1.28(b)

(b) Once status as a small entity has been established in an application or patent, fees as a small entity may thereafter be paid in that application or patent without regard to a change in status until the issue fee is due or any maintenance fee is due. Notification of any change in status resulting in loss of entitlement to small entity status must be filed in the application or patent prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate pursuant to §1.9 of this part. The notification of change in status may be signed by the applicant, any person authorized to sign on behalf of the assignee, or an attorney or agent of record or acting in a representative capacity pursuant to §1.34(a) of this part.